



Entered on Docket
January 04, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: December 20, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING FIRST OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-00027
FILED BY TIMOTHY F. BURRUS AND JOANN ORTIZ-BURRUS**

The USACM Liquidating Trust (the "USACM Trust") filed its First Omnibus Objection to Claims for Lack of Documentation [DE 5357] (the "Objection") on November 19, 2007. Appropriate notice of the Objection was given. A Response to the Objection was raised as follows:

- On December 11, 2007, Timothy F. Burrus & Joann Ortiz-Burrus filed a Response to the Objection [DE 5475] and provided documentation supporting Proof of Claim No. 10725-00027. Accordingly, the USACM Trust agreed to withdraw the Objection, and a Stipulation withdrawing the objection as to that claim is being executed and will be filed with the Court. That claim is not included in Exhibit A attached and is not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's First Omnibus Objection to Claims for Lack of Documentation except to the extent the USACM Trust has withdrawn that objection; and

- Disallowing the Proofs of Claim listed on the attached Exhibit A without prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a particular loan.

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1 PREPARED AND SUBMITTED:

2 LEWIS AND ROCA LLP

3 By: /s/ RC (#0006593)

4 Susan M. Freeman

4 Rob Charles

Attorneys for USACM Liquidating Trust

5 ~~APPROVED:~~

6 OFFICE OF THE U.S. TRUSTEE

7 

8 August B. Landis, Esq.

9 Scott A. Farrow, Esq.

300 Las Vegas Boulevard, Suite 4300

0 Las Vegas, NV 89101

1 In accordance with Local Rule 9021, the undersigned certifies:

2 ☐ The Court waived the requirements of LR 9021.

3 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
4 parties who have appeared at the hearing regarding this matter and/or who filed
5 a written objection and each has:

6 ☒ approved the form of this order;

7 ☐ waived the right to review the order;

8 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or

9 ☐ failed to sign and return this proposed order within five (5) business days
10 in accordance with LR 9021(b).

11 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
12 parties who appeared at the hearing regarding this matter and/or who filed a
13 written objection and all have either approved the form of this order, waived the
14 right to review the order, failed to file and serve papers in accordance with LR
15 9021(c) and the following have disapproved the form of the order.

16 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

17 LEWIS AND ROCA LLP

18 By: /s/ RC (#0006593)

19 Susan M. Freeman

20 Rob Charles

Attorneys for USACM Liquidating Trust

**ORDER SUSTAINING FIRST OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Graham, William L. and Wilta L. 3124 Queens Gate Lane Modesto, California 95355	10725-00228	9/25/06	\$50,000.00
Belacio, Raymond W. and Rosa 1533 Shady Rest Drive Henderson, Nevada 89013	10725-00240	9/26/06	\$250,000.00
Susan F Stein Trust c/o Peter Susi, Esq. Michaelson, Susi & Michaelson 7 West Figueroa Street, 2 nd Floor Santa Barbara, California 93101	10725-00255	10/3/06	\$100,000.00
Susan F Stein Trust c/o Peter Susi, Esq. Michaelson, Susi & Michaelson 7 West Figueroa Street, 2 nd Floor Santa Barbara, California 93101	10725-00256	10/3/06	\$300,000.00
Susan Gackenbach IRA c/o Peter Susi, Esq. Michaelson, Susi & Michaelson 7 West Figueroa Street, 2 nd Floor Santa Barbara, California 93101	10725-00257	10/3/06	\$350,000.00
Susan Gackenbach IRA c/o Peter Susi, Esq. Michaelson, Susi & Michaelson 7 West Figueroa Street, 2 nd Floor Santa Barbara, California 93101	10725-00258	10/3/06	\$550,000.00
Jay S. Stein IRA c/o Peter Susi, Esq. Michaelson, Susi & Michaelson 7 West Figueroa Street, 2 nd Floor Santa Barbara, California 93101	10725-00261	10/3/06	\$500,000.00
Jay S Stein Trust 12/12/00 c/o Peter Susi, Esq. Michaelson, Susi & Michaelson 7 West Figueroa Street, 2 nd Floor Santa Barbara, California 93101	10725-00262	10/3/06	\$100,000.00

EXHIBIT A

**ORDER SUSTAINING FIRST OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Jay S Stein Charitable Remainder Unitrust 7/15/02 c/o Peter Susi, Esq. Michaelson, Susi & Michaelson 7 West Figueroa Street, 2nd Floor Santa Barbara, California 93101	10725-00263	10/3/06	\$425,000.00

EXHIBIT A